IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

JOHN KINDS, ET AL.	§	
	§	
VS.	§	CIVIL ACTION NO. G-05-598
	§	
CHEVRON USA, INC., ET AL.	§	

OPINION AND ORDER

Before the Court is a Report and Recommendation from the United States Magistrate Judge dated August 11, 2006, which recommends dismissal of the remainder of the complaint of Plaintiff, John Kinds. The Magistrate Judge gave Kinds until September 1, 2006, to file objections. On August 31, 2006, Kinds filed a letter addressed to the "United States District Court" which the Court will construe as timely objections.
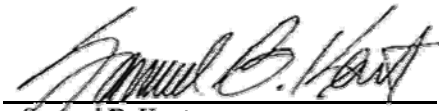
The Magistrate Judge recommended dismissal of Kinds' complaint as barred by the applicable Texas statute of limitations. Kinds' complaint seeks the recovery of title to certain property in Chambers County, Texas, which Kinds claims was taken from his heirs in 1896 and 1899 through the filing of fraudulent deeds. In his objections, Kinds argues that application of the 25 year statute of limitation for the recovery of real property held by another under a recorded deed would be fundamentally unfair given the history of the exploitation of minority land holders in our country's past. This Court, while sympathetic to Kinds' argument, must agree with the Magistrate Judge: the complaint filed by Kinds is untimely.

After *de novo* review, under 28 U.S.C. § 636(b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of

controlling Texas law to the facts made the basis of Kinds' complaint and it is, therefore,

ACCEPTED by this Court in its entirety and incorporated by reference herein.

It is, therefore, **ORDERED** that the Motion to Dismiss (Instrument no. 11) of the sole

remaining Defendant, Chambers County, Texas, is **GRANTED** and that the Complaint of

Plaintiff, John Kinds, is **DISMISSED in its entirety**.

DONE at Galveston, Texas, this _____27th_____ day of September, 2006.

Samuel B. Kent
United States District Judge

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